P50

G. R. S. 58]

Previous references.

(Slip) Pol 193-13(1-2)B.
— 1-06 (229, 242, 258-9)
1913.14
etc. (Police)

Later references.

File No. 204-13

Serial Nos. 1 – 7

May be Preserved
AM 22/4/26

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 7

Part B for June 1915

SUBJECT.

Chamarpeta procession dispute

---

7. To the Dn. Bg J 4431 of 22.6.15
Direct that necessary action being taken so as to settle the dispute satisfactorily

K Ghosal
2.7.15

GPB—10,000—28-5-15

G.R.S. 11] 1913-14

GENERAL AND REVENUE SECRETARIAT.

(Police)

NOTES.

File No. 207-13

FILE HEADING.

Chamarajpet procession dispute.

From

Sanjeevgowda & other Hindus of the Fort, Chamarajpet

No. -- Dated 23-5-14 Received 23-5-14

Diary No. 3792	Enclos. 2	Spare Copies. --	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Appeals against the order of the Dt. Magte. directing that the Amildar may grant them licence to conduct their processions with certain restrictions.

NOTES AND ORDERS.

P.T.O.

NOTES—First Sheet.

GPB—35,000—15-6-12

G. R. S. 12]

379 3817 (12

General and Revenue Secretariat. | Police File No. 204 of 1913-14

Serial No. 2

From

Pon Sab & other Mahomedans of Chamapalia.

Pet. Dt 25.5.14.

Appeals against the same order and prays that the Hindus may not be granted license till the manual route be decided and that the door may be kept in abeyance until the disposal of this appeal.

The mosque in the Fort at Chamapalia was built about the year 1892-93 and has therefore no right to the cessation of processional music. (Vide G.P. no. 914-Mug. F. 58-92 Dt 6.6.1893).

7 R

2) When in 1907 there arose a dispute regarding the Kama procession in Chamapalia Govt, in their Proceedings no. J 809-Police 1-06 Dt 9.7.07, directed that as regards the procession of the Fort, the manual which existed previous to the procession of that year be followed.

7 V

3) On a refusal by the Amildar Mapli to grant a license to the Hindus in 1908, they appealed to the Dt. Mapli. (Mr. Ramanarayana Naik) who directed that the Fort people should not be allowed to take their Kama procession

7 J 2. Encl to Sl. 1.

NOTE—Contn. sheet.

GPB—60,000—25-9-13.

Serial No.

into the Pallah and that as regards the procession in the Fort itself the usual route should be fixed whenever a license is granted.

(4) In 1914 the Hindus of the Fort who, after obtaining a license from the Amildar, were taking their procession were obstructed by the Mahomedans. and on a reference to the Amildar he stopped the procession. Thereupon the Hindus applied to the Dt. Magte. for a license and the Mahomedans put in a counterpetition objecting to the grant of the license. The Dt. Magte. (Mr. Chandy) ordered that the Amildar may grant a license to the Hindus subject to the conditions that the procession should not pass the mosque with music or noise at the identical hours when the Mahomedans are engaged in worship & that there should be no such disguises, &c as would reasonably wound the religious susceptibilities of the Mahomedans.

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5) Both the Hindus and the Mahomedans are dissatisfied with the above order and both parties have

GPB—60,000—25-9-13.

[G. R. S. 12]

General and Revenue Secretariat.

Police File No. 204 of 1913/14

Serial No.

appealed to Govt.

6) The Hindus pray that they may be granted permission to conduct their procession without any stoppage of music. They seem to rely on the G.O. of the 6th June 1893. The appeal petition of the Hindus contains another prayer, viz, that the offence under 147 I.P.C. committed by the Mahomedans in obstructing their procession may be ordered to be investigated into.

7) The Mahomedans contend that no license should be given to the Hindus before the manner route of the procession is decided. They seem to rely on the G.P. of the 9th September 07. They also pray that the order appealed against may be kept in abeyance till the disposal of the appeal.

8) As to whether an appeal lies in such cases attention is invited to the rules in Police 193-13.

9) Subd. for orders.

10) Please put up a draft to Dt. Magte calling for a detailed report on the allegations made in both the petitions

NOTE—Contn. sheet.

GPB—60,000—25-9-13.

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G. R. S. 12]

General and Revenue Secretariat. | Police File No. 204 of 1913-14

Serial No.	
	11) Subd. with a draft as directed. B.G. 29-5-14.
	12) Issue JPDL 29/5
3	To The Dt. Magte. Bangalore Dt. no. T3608 Dt 2.6.14 calls for a detailed report with the records.
4	From The Dt. Magte. Bangalore Dt. no. 934 Dt 6.6.14 forwards the records and states that the facts of the case have been set forth in Dt. Magte's order of 27.2.09 and that the Hindus of Channapatna seem to be estopped from appealing as they have not, till now, produced any authority or evidence to prove their right to go in all the streets as agreed to by them on the 29.6.14.
	13) Subd. for orders with reference. B.G. 6.12.15.

NOTE—Contn. sheet.

P. F. C.

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G. R. S. 12]

General and Revenue Secretariat. | Police File No. 207 of 1913-14

Serial No.

14) The question raised in this case is one relating to the carrying in procession of the idol of Kama in the streets of Channapatna, by Sanjeeva Gowda and others who are residents of the fort.

15) The mahamedans object to this procession on the ground that Sanjeeva Gowda and members of his party on the first time endeavouring to take their Kama in procession contrary to the mamool. This was the only ground urged by the mahomedans in their petition to the District Magistrate. In their present petition to Government, this point is not pressed by the mahomedans, but a new point is raised. They now urge that unless the mamool could be established by formal evidence and a finding recorded, no decision could be arrived at. They practically admit that the fort people were occasionally installing Kama and carrying it in procession. Being a natural right, mere non exercise of it for some years does not deprive prevent the residents from exercising it again. The point that the mamool could should be definitely settled is anew one raised for the first time in this petition. Further, it is not a statutory rule, and the local authorities may determine this after taking such evidence as they may deem fit. Further, a District Magistrate is not tied down by the form of the order of

NOTE—Contn. sheet.

GPB—60,000—25-9-13.

predecessor, and is entitled to revise or modify it, according to the circumstances. Lastly, the Mahomedans do not seem to have any locus standi to complain in this case. So far as their Masjid is concerned, Govt have definitely ruled that the procession of any community may play music while passing in front of it, and the construction of the Masjid itself was an innovation not warranted by Cramsob.

16) So far as the Mahomedans are concerned, the decision of the District Magistrate can not be objected to.

17) Sanjeeva Gowda and the members of his party have also presented a petition against the order of the District Magistrate. Their grievance is that though they had a license the Mahomedans prevented them from passing the mosque, that the Police have not taken cognizance of the case, and that the Panchalas' claim to prevent their Rama procession from passing in their streets has been allowed.

18) With regard to the first two grounds, there seems to be some basis. The Amildar's subsequent order of 7-4-914, shows that after he granted the license, and the procession was being carried, he received the application of the Mahomedans and restricted the scope of his original license. This was perhaps very humiliating to the Hindus.

NOTE—Contn. sheet.

GPB—25,000—2-11-14

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R. S. 12]

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General and Revenue Secretariat. | Police File No. 206 of 1913-14

Serial No.

19) But as the Magistrate ordered the prosecutors from the court-compound the said Venugopala Murugesa Shetty through Satyanarayana Pantulu, the Panchalas and the Clerk Sanjeeva Gowda have addressed any evidence to show that such procession was prohibited or was being carried on. He evidently seems to have thought wrongly from our rules.

20) Considering that the petitioners are present by advocate, it is a point for consideration whether they should be heard.

28
15/2/15

Fit (- Members)

21) May be posted to hear both parties.

21/3/15

Dated 24/3

22) Issue notice.

23/2/15.

5 23) Draft submd.

Bkt. 24-3-15.

Fol 24/3

24) Issue

Draft

5 To D. Raghavendra Rao & T. Shamiengar Advocates
no. J3343 & J3344 dt 6-4-15.

Intimate that the case will be heard

NOTE—Contn. sheet.

GPB—25,000—2-11-14

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G. R. S. 12]

General and Revenue Secretariat. | Pol File No. 204 of 1913-14

Serial No.

at 8 am on 15-6-15.

25) Subd. May this be shown subd. to the 1st Member?

BS. 12-6-15.

26) In the meanwhile the following letter has been received from Mr. Shanmugam.

6 From Mr. T. Shanmugam, Devakali, 5/12.4.15

Prays for six weeks' adjournment.

27) Subd. for orders.

BS. 14-2-15

BS 14/4

First Member)

28) Both Mr Shama Iyengar & Mr Desika Iyengar are present, and with their consent, the cases posted to 4.6.1915 for arguments

BS 15/4

29) Subd. May this be subd. to the 1st Member now?

BS. 31-5-15.

30) Subd

BS 31/5

First Member)

4/6

NOTE—Contn. sheet.

GPB—25,000—2-11-11

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G. R. S. 12]

General and Revenue Secretariat. | Pol File No. 204 of 1913-14

Serial No.

Mr Lubeck heard for Mussulmans

Mr. Sesha~~chari~~ iyer for Kurumba Hindus (applts)-

31)

The order of the D. M. passed in 1909 laid down that the Kurumba appellants might take the procession in the fort in the 'Manul' route to be determined. The Contention of the appellants is that they used by manul to go through all the four main streets of the fort. This question has not been decided properly and the present order of the D. M. has left it open, and made a make-shift arrangement to be in force for the disputed occasion. It would be best for all parties if they are allowed

NOTE—Contn. sheet.

GPB—25,000—2-11-14

Serial No.

to adduce evidence on the point (in accordance with the ordinary rules relating to burden of proof &c), and if a decision is arrived at on the point so as to be a guide to the executive authorities on which side they should properly throw them weight when a dispute actually arises.

32) As for the Mussulmans of the Fort, the directions given by the Dist Magte gives them all the protection that they are entitled to ask. If the ~~Mussd~~ right of passing in the road adjoining the mosque is made out, they cannot be allowed to offer any further opposition.

33) An order will be passed in accordance with this view - 4/6/15

NOTE—Contn. sheet.

GPB—25,000—2-11-14

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G. R. S. 12]

General and Revenue Secretariat. | Police File No. 206 of 1913-14

Serial No.	
	34) Draft subd. BS. 12-6-15. Draft approval EB 13/6 First Member) Draft appd by First member 19.6.15. MST EB 18/6
	35) Issue EB 21/6
7	To the D.M. Bangalore DL No. 4431 dt. 22.6.15 directs that necessary action being taken to settle the dispute satisfactorily.

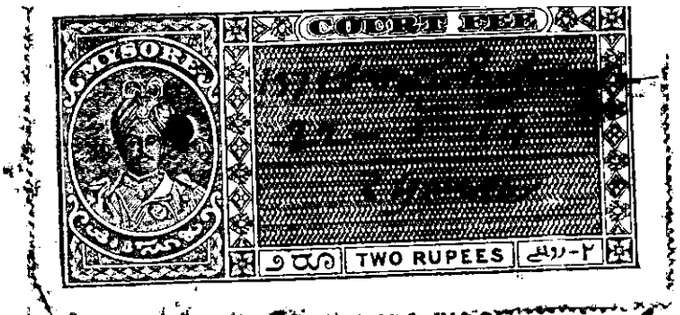
NOTE—Contn. sheet.

GPB—25,000—2-11-11

Presented by Mr D Rajaveera Rao Advocate in person on 23-5-14

To 23/5

J3792



The Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Departments,

Bangalore.

13

File no 204-13
R. no. 1

Br III

SPL 23/5

Appellents.		Repondants.
1. Sanjeeva Gowda,		1. Mr Abdul Khuddus,
2. Seenappa,	V.S.	2. Peer Sab,
and other residents of		and other residents
Fort, Channapatna.		of Channapatna.

Under Section 38 Criminal Procedure Code.

The petitioners above named crave leave to approach the Government with a memorandum of appeal against the order No.nil dated 1st May 1914 passed by the Deputy Commissioner of Bangalore District for the following amongst other grounds:-

1. That your humble petitioners were taking the Kama in procession through the streets of the fort Channapatna at about 4 P.M. on ~~31st March~~ 7th April KRS 1914 but when the procession approached the new Masjid built in 1892-93 by Syed Mohadin, the Mahomedans led by one Mr Abdul Khuddus a resident of Patan Wadi-Patan Wadi belongs to the town and has nothing to do with the fort being separated by a couple of furlongs of the public road- assembled in large numbers armed with clubs, demanded that the procession should not pass the Mosque, in contravention of the express conditions laid down in Government Order No.914 dated 6th June 1892-93.

7/R

2. The police on the spot sent intimation to the Amildar who after interviewing the said Mr Abdul Khuddus and others in the Taluk Office at 8 P.M. (several hours after the stoppage) ordered the Hindus to return with their procession (in spite of their being armed with a license) pending further orders he would pass on certain

(4)

certain authorities which the Mahomedans were to produce in 15 days' time;- the result was a complete and unprecedented humiliation gratitously offered to the Hindu Community and to the proceedings of Government noted above.

3. An appeal to the District Magistrate against the action of the Amildar has resulted in their getting absolutely no relief or redress in spite of the express conditions laid down in the 7(R) Government Proceedings G.O.No.914 of 1893.

4. The conduct of the Mahomedans under the lead of Mr Abdul Khuddus exercising their right to take procession although an offence punishable under sections 141 clause 5, 146 and 147 I.P.C., has yet to be investigated by the local police in spite of its being a heinous cognisable offence.

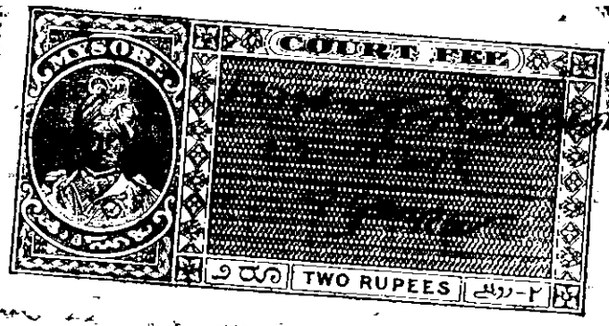
5. The Deputy Commissioner further erred in law in allowing the Panchalas to submit a petition while the appeal of your humble petitioners was pending and also further restricting the streets through which appellents are to pass (contrary to the Government 7(V) Orders J 809-P-1-06 dated 9th September 1907 and also the final orders passed thereon by the then District Magistrate of Bangalore dated 27-2-1909.

6. That the learned District Magistrate has further erred in law in giving a month's time to the respondents to appeal and thereby further curtailed appellants' rights.

7. It is prayed that the Order of the District Magistrate may be set aside, the Amilder be directed to investigate the case against the Mahomedans (under 147 I.P.C.) and the District Magistrate be directed to see that the Hindus are allowed to enjoy their right and previlege of going in procession without any stoppage of music, whatsoever in the streets of the fort, a right enjoyed by them from time immemorial and recognised and established by the Government Order under reference - steps also being taken to bind over the Mahomedans and additional police help being granted to the local authorities in enforcing law and order.

Bangalore
23/5/14

K.R. Seshayengar
Advocate for
appellants



ಶ್ರೀಮನ್ಮಹಾರಾಜ ವಿಲಾಸ

1913 — 1914 ನೇ ಇನಪಿ ನಂಬರು.

ವಾದಿ.

ಪ್ರತಿವಾದಿ.

ಮೆ॥ ರಾ॥ ಅಡ್ವೊಕೇಟ್ Mr. K. R. Seetharamiah ರವರಿಗೆ.

ಇವರಿಗೆ ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮ:

ಮೇಲ್ಕಂಡ ನಂಬರ್ ಮೊಕದ್ದಮ್ಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ವಿವಾದಿಸಿ ಫೈನಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಗೆಯೂ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯದಲ್ಲೂ, ಅರ್ಜಿ ವಗೈರೆ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರೀ ಮೊಬಲಗು ಕಿಲ್ಲು ಮೊಬಲಗು ಸಹ ಪಡೆದುಕೊಂಡು ರಸೀದಿ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗಾಗಿ ವಾಪಸುಳಿಗುವ ದಾವಾಸ್ಟಾಂಪು ಸ್ಟ್ರೋಸೆಸ್ ಸ್ಟ್ಯಾಂಪು ಸಹ ಪಡೆದುಕೊಳ್ಳುವದಕ್ಕೂ, ಮತ್ತು ನನ್ನ ಬಾಬತು ವಿಶಿಷ್ಟ ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ಕೋರ್ಟಿನಿಂದ ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳುವದಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟು ಇರುತ್ತೇನೆ. ಈ ವಿಷಯದಲ್ಲಿ ತಾವು ನಡಿಸುವ ಕೆಲಸಗಳನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿ ಇರುವಂತೆ ಒಪ್ಪಲು ಇನರಿಂದ ಬದ್ಧನಾಗಿ ಇದೇನೆ.

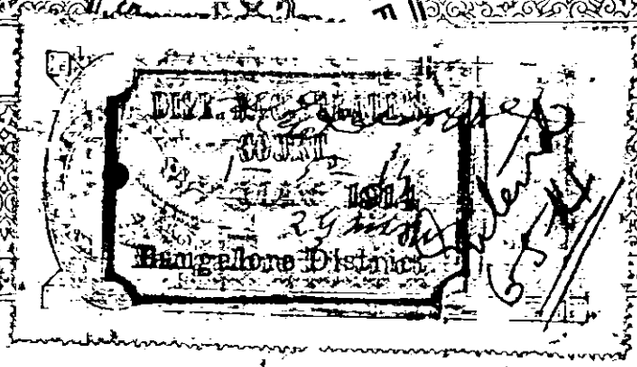
ತಾರೀಖು 23/5/14 (ರಜು.)

ಈ ಮೊಕ್ತ್ಯಾರ್‌ನಾಮ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯಸ್ಥರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ್ಮ ಇದ್ದಕ್ಕ ರಜು ಮಾಡಿರುವದರಿಂದ ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿ ಇದೇನೆ.

ಈ ಮೊಕ್ತ್ಯಾರ್‌ನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.

ಸತ್ಯಂ ಚಂದ್ರಶೇಖರಯ್ಯ ಸುಬ್ರಹ್ಮಣ್ಯಯ್ಯ, ಶಾರದಾವಿಲಾಸ ಪ್ರಸ್, ಬೆಂಗಳೂರು ಸಿಟಿ—೧೯೧೦.

TWO ANNAS



(16

Order of the District Magistrate of the Bangalore District.

Dated, Bangalore 1st May 1914.

Present:- K. Chandy, Esquire, B.A. District Magistrate

Read:- The Petition presented on the 8th April 1914, by Mr. K.R. Sesha Iyengar, Advocate for petitioners Sanjeeve Gowda and three others, residents of the Chenna-patna Fort, praying that a license for the Rama procession may be given them as per 'Mamool'.

6 5 14

2. Petition dated 24th April 1914 - (Criminal Mis No 73 of 1913-14) presented by Mr J.P. Saldanha, Advocate for Peer Sab and other Mahomedan residents of Chennapatna, praying that no license may be granted to Sanjeeve Gowda and others of the Chennapatna Fort for taking their

compared

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TWO ANNAS ಎರಡು ಆಣೆ MYSORE

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2 their God Kama in procession in the Streets, as they have no right to do so &c. ——

3. Petition dated the 24th April 1914 (Criminal Mis No 74 of 1913-14.) presented by Mr J.P. Saldanha, Advocate for — Panchana Setty, Lakshmana Charry and other leaders of Panchala Community, residing in the petta of Chennapatna, regarding the route by which the Kama procession of the Fort people should pass.

4. Correspondence ending with Chenna-patna Taluk Amildars No 614 dated 14th April 1914 on the Subject.

Heard the arguments of Mr K. R. Sesha Iyengar and Mr J.P. Saldanha, Advocates; and also heard some of the Fort people and Panchala people present at the time. . . . — —

HIGH COURT MAGISTRATE BANGALORE DISTRICT

Nº 6/5/14

compared

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3. The enclosed Sketch marked A 29.4.14 was produced by Mr. J.P. Saldanha.

Order.

Both the Petta Panchalas and the Mahomedans object to the Hindus of the Fort taking the Rama God in procession through the Streets in the Fort. As regards the Panchalas, they have no objection to the Fort Hindus going in the Streets other than those reserved for them. I have marked in the plan in red ink the route that the procession may take this year without objection by the Petta Panchalas, and this route is accepted by the Fort Hindus subject to their reserving the right of proving later, if they can that they are entitled to go in all the Streets of the Fort. —

There remains only the objection of

DISTRICT MAGISTRATE'S COURT BANGALORE

Nos 6 & 11

Compared

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TWO ANNAS

GOVT OF MYSORE

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4. of the Mahomedans from a petition presented today by their Advocate Mr Lawrence, their objection seems to be that the god Rama had not been taken in procession at all in the Front during the last forty years; but I find that the District Magistrate, Mr Kumara Samy naik has already held that the procession was being taken at odd intervals though not regularly, and has given them the right of going in procession, according to Mamool. This question does not therefore appear to be open to revision by me. I think also that as regards religious processions conducted in such a manner as not reasonably to wound the religious susceptibilities of other classes, the order should be to allow such processions in the

ASST MAGISTRATE BANGALORE

NS 6/14

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MYSORE

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5 the absence of any prohibitory direction of a Competent Court to the Contrary. ——

The Mosque in front of which the procession is to pass is not one of those in front of which music has to be stopped, and a Mutchalika to that effect had been executed at the time of its construction. All that the Mahomedans can legally claim, therefore, is that the procession shall not pass with music or noise and at the identical hours when they are engaged in worship, and that there should be no such disguises, gestures, or Songs as would reasonably wound their religious Susceptibilities. With these restrictions the Amildar Magistrate may issue a license for the Conduct of the procession. ——

As the Mahomedans have stated in

ASST MAGISTRATE BANGALORE

18/5/66

Compared

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TWO ANNAS

GOVERNMENT OF MYSORE

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6 in another petition that they propose to appeal against this order, the date for the license should be fixed after one month from this date. — — — — — —

I Consider it necessary to add that in my judgment, it seems desirable in the interests of brotherly feeling between different Creeds, that the leaders of the different Communities should come to an agreement that music will be stopped by all Communities in front of all places of public worship out of regard for the religious feelings of the different Communities.

1-5-14. (Sd.) K. Chandy.

District Magistrate. Bangalore District.

"Copy"

B.O.

Nagarasadan 6/5/14

Asst. to the Commr.

DT. MAGISTRATE BANGALORE DIST.

Compared

J 3817

10/3-10 14

Police

20-4-13

2

COURT FEE MYSORE TWO RUPEES

(22)

Presented in person by Mr Shama Iyengar please heat this as an urgent case

25/3

Before the Government of His Highness The Maharaja of Mysore.

Peer Sab and other Mahomedan residents of Channapatna, Bangalore District. } Appellants

vs

Sanjiva Gowda and three others, residents of Channpatna Fort. } Respondents

Police 25/3 (4-15 pm)

Recd 26.3.14

The above-named appellants beg to appeal against the order of the District Magistrate, Bangalore, dated 1st May 1914 (a certified copy of which is hereto annexed) on the following grounds :-

The District Magistrate has misconstrued his predecessor's (Mr Kumaraswamy Naik's) order dated 27th February 1909, the material portion of which runs as follows :-

> " As regards the procession within the Fort "itself, the mamool route should be fixed for the "procession whenever a license is granted for the "same."

Mr Kumaraswamy Naik had found on the evidence "that the "Fort people were never installing their Kama permanently "year after year x x x that for the last 10 or 12 "years there was no installation of Kama at all in the "Fort, and before that they were doing so occasionally x "x x x x that there was no established mamool for "the Fort people to instal the Kama idol ."

2. That, as shown in the annexed affidavit, no Kama was installed since the date of Mr Kumaraswamy Naik's order, namely, 27th February 1909 - a period of over five years.

3. That the present order of Mr Chandy, while purporting not to disturb the order of his predecessor, Mr Kumaraswamy Naik, which was based on "mamool", goes beyond the effect of the order of Government in G.O.No J 809 Police I - 06 dated 9-9-07 which, as Mr Kumaraswamy Naik in his order observed, laid down " that the Fort people should in the matter of Kama procession observe the mamool which existed previous to the procession of the current year ". 7(V

4. The present District Magistrate has overlooked the fact that it lay on the petitioners (Hindus- Kurubars) to prove what the "mamool" route was, before they could obtain any order in their favor.

It is submitted that, unless the mamool route be established by formal evidence, and a definite finding be recorded on the subject, no decision could be arrived at touching the contentions of either party.

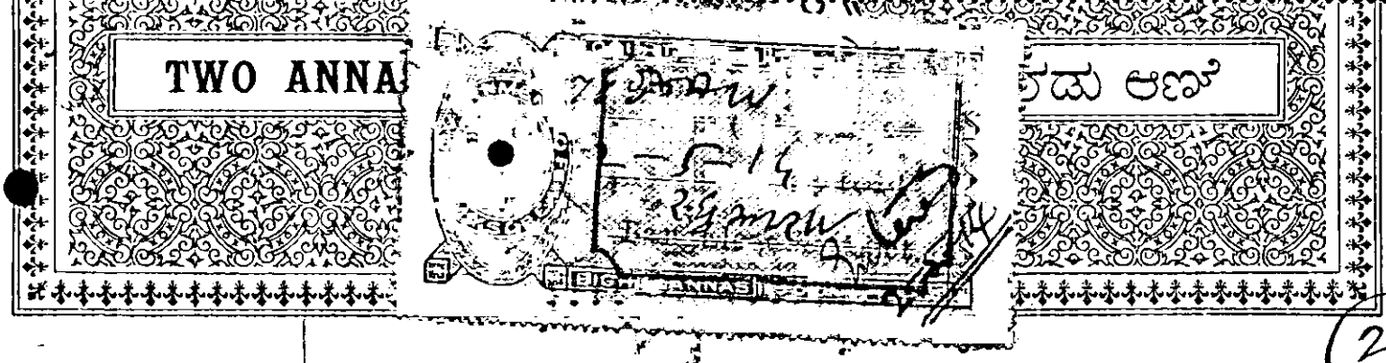
(23.

The appellants pray that, in the interests of good feeling and peace between the two communities - Hindus and Mahomedans, the order of the District Magistrate dated 1st May 1914 may be directed to be held in abeyance until this appeal be diposed of. 71 U

Dated, Bangalore, the 25th May 1914.

Appellant

Advocates for the Appellants



(24

Order of the District Magistrate of the Bangalore District.

Evel 6
Pol 204-13-2

Dated, Bangalore, 1st May 1914.

Present:- K. Chandy Esqnire B.A. District Magistrate.

Read:-

The petition presented on the 8th April 1914, by Mr. K. R. Seshu Iyengar, Advocate for petitioners Sanjeeve Gowda and three others, residents of the Chennapatna Fort, praying that a license for the Kama Procession may be given them as per 'mamool'.

2. Petition dated 21st April 1914 (Criminal Mis. No 73 of 1913-14.) presented by Mr J. P. Saldanha, Advocate for Peer Sab and other Mahomedan residents of Chennapatna, praying that no license may be granted to Sanjeeve Gowda and others of the Chennapatna Fort for taking their God Kama in procession in the Streets, as they have no right to do so &c.

DISTRICT MAGISTRATE BANGALORE

No 5
V 14

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MYSORE

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3. Petition dated the 24th April 1914 (Criminal Mis no 74 of 1913-14) presented by Mr J.P. Saldanha, Advocate for Panchama-Selly, Lakshmana Charry and other leaders of Panchala Community, residing in the Petta of Channapatna, regarding the route by which the Rama procession of the Fort people should pass.

4. Correspondence ending with Channapatna Taluk Amildar's no. 614 dated 14th April 1914 on the Subject.

Heard the arguments of Mr K.R. Sesha Iyengar and Mr J.P. Saldanha, Advocates, and also heard some of the Fort people and Panchala people present at the time.

The enclosed Sketch marked A 29-4-1914 was produced by Mr J.P. Saldanha —

order:—

Both the Petta Panchalas and the Mahomedans —

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GOVERNMENT OF MYSORE

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(26)

3 Mahomedans object to the Hindus of the Fort taking the Rama God in procession through the Streets in the Fort. As regards the Panchalas, they have no objection to the Fort Hindus going in the Streets other than those reserved for them. I have marked in the plan in red ink the route that the procession may take this year without objection by the Pette Panchalas and this route is accepted by the Fort Hindus Subject to their reserving the Right of proving later, if they can, that they are entitled to go in all the Streets of the Fort.

No 5
Vth

There remains only the objection of the Mahomedans from a petition presented today by their Advocate Mr Lawrence, their objection seems to be that the God Rama had not been taken in procession at all in

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4 in the first during the last forty years; but I find that the District Magistrate, Mr. Kumara Samy Naick has already held that the procession was being taken at odd intervals, though not regularly, and has given them the right of going in procession according to mamool. This question does not, therefore appear to be open to revision by me. I think also that as regards religious processions conducted in such a manner as not reasonably wound the religious susceptibilities of other classes, the order should be to allow such processions in the absence of any prohibitory direction of a competent Court to the contrary.

The Mosque in front of which the procession is to pass is not one of those in front of which music has to be stopped, and a

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GOVT OF MYSORE

a Muchalika to that effect had been executed at the time of its construction. All that the Mahomedans can legally claim, therefore is that the procession should not pass with music or noise at the identical hours when they are engaged in worship, and that there should be no such disguises, gestures, or songs as would reasonably ~~would~~ wound their religious susceptibilities. With these restrictions, the Amildar Magistrate may issue a license for the conduct of the procession.

As the Mahomedans have stated in another petition that they propose to appeal against this order, the date for the license should be fixed after one month from this date.

I consider it necessary to add that in my judgment it seems desirable in the

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MYSORE

(29)

6. The interests of brotherly feeling between different Creeds, that the leaders of the different Communities should come to an agreement that music will be stopped by all Communities in front of all places of public worship out of regard for the religious feelings of the different Communities.

Compared
K.C.

(Sd) K. Chandy.
District Magistrate.

Copy

B.O.

Despatched
2/5/1914

H.C. Clerk Judicial Hd Assistant

2-5-1914

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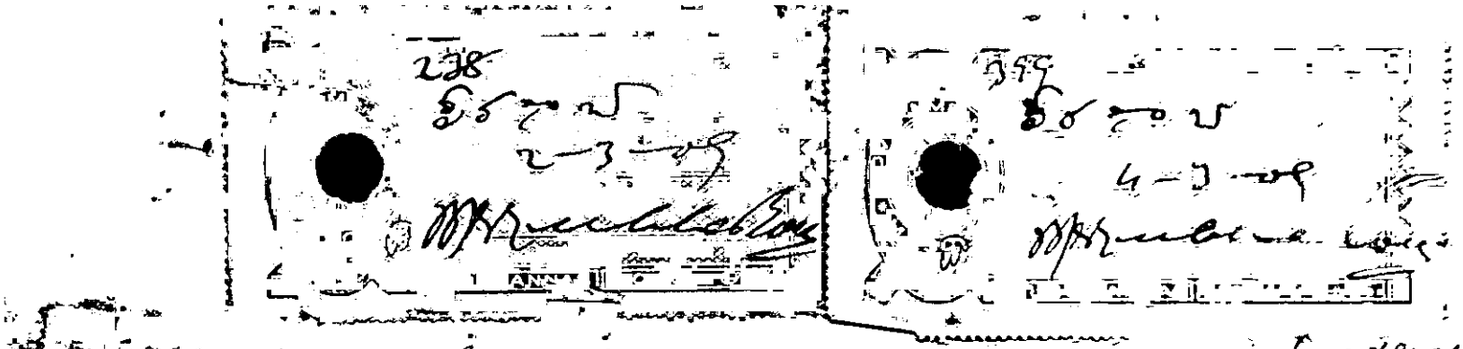

In the Court of the District magistrate of Bangalore (30)

Dated this 27th day of February 1909

Present:- B. G. Kumarasami naik Esqr
District magistrate

Crl misc petition no: of 1908-09

Petitioner: Kemplah (Hindu)

Counter-petitioners: Peer Sab + others (muhammadans)

This is an appeal against order dated 17-3-08 passed by the amildar magistrate of the Chennapatna Taluk [redacted] to grant license to the petitioner to Carry Kama procession from the fort of chennapatna to the peta of the said town.

2 The petitioner wired to the District magistrate to the effect that the Amildar through instructions from the mohamadans Stopped the usual Kama procession and that the District magistrate might visit the spot and then give orders to Conduct the procession. meanwhile the copy of the Amildar magistrate's order was received on

on 1-4-08 through the Superintendent of Police Bangalore, with a Suggestion that the matter might be settled after inspecting the Spot. The District magistrate and the Superintendent of police inspected the Spot on the 5th April 1908. Messers Lubeck & S. Sr. Ramaswamiengar Counsels for the petitioner and Counter petitioners respectively were also present there at the time of inspection and requested to give them a hearing on the Subject. Accordingly the Case was heard on 18-4-08. After hearing the arguments of messrs S. Sr Ramaswamiengar and Lubeck the record was sent back to the Amildar magistrate of Chennapatna for the purpose of recording all the evidence that might be adduced by [redacted] Community to show if there was any manool to take their Rama procession from the fort to the Peta of the town, with a direction that the record of evidence so taken down might be sent here for orders. After the receipt of the record of evidence referred to above the Counsels for both the parties were again heard on the Subject.

The amildar magistrate examined witnesses on behalf of the Hindu community:- Exts A, B, B_1 B_2 B_3 B_4

B_5 B_6 C. d. E (Copies of licenses granted in different years for Conducting the Kama procession) were produced before the amildar magistrate, by Kempiah the 13th witness. All these witnesses are made to say that the peta people of Chennapatna used to carry Kama procession into the Fort and then return with Fort Kama in procession to the peta and sometimes vice-versa. They say also, that the Fort people were not in the habit of taking licenses for the purpose.

4 The exhibits A, B. C. D of years 1893, 1894, 1895 + 1896 respectively shew only that the Dasa da peta people were allowed to go to the fort with their Kama in procession. But the other exhibits do not make any mention of the Fort as the route of procession.

5 The muhammadan Community headed by peersab have examined 6 witnesses against the application of Kempiah. All these witnesses except the 1st witness, positively assert

assert that the Fort people of the Hindu Community were never in the habit of Carrying Kama procession to the Peta of the Town. The G.O. no 809 Police 1-06 dated 9-9-07 referred to by the Counter petitioners lays down that the fort people should, in the matter of Kama procession observe the mamool which existed previous to the procession of the Current year.

6 The present dispute refers only to the taking out in procession the Kama of the Fort people in the Town of Chennapatna.

7 When a Similar dispute arose in the year 1907, it appears to have been urged on behalf of the Hindus that it was the mamool for the three Kamas of the Fort, pettah & Gentamadu to be taken out in procession Conjointly in Company with each other and Carried through the whole town. When the matter went up before the Assistant Commissioner and 1st Class magistrate Mr. Ananda Rao Sirsi of Closepet,

it

it was observed by him that within the past 12 years from the said date, there was no evidence to shew that the Kama processions of the three ~~then~~ places had been taken jointly and that the licenses issued to the people of gandamadu between the years 1894 & 1901 distinctly prohibited the taking of their Kama in procession beyond the Railway Crossing near gandamadu This order of the Assistant Commissioner magistrate was, however, set aside by the then District magistrate Mr. Sparkes. Against the order of the said District magistrate an appeal was preferred to Government and Government in their proceedings of 9th September 1907 after setting aside the order of the Deputy Commissioner, have held that, as far as established mamool goes, the gandamadu people have no right to take their Kama procession beyond the Railway Crossing or to hold the

procession jointly with the people of the Fort and Pettah. They accordingly, directed that the Kama procession of the Gandamadu Suburb should not be allowed to pass beyond the Railway Crossing.

8 The Government have, therefore, decided, that, at all events as far as the Gandamadu Kama was concerned, there is no mamool whatever that it should be carried with the pettah and Fort Kamas jointly. As regards the processions of the Fort and Pettah Kamas, the Government ordered that the mamool which existed previous to the passing of the above order should be followed.

9 It is an undeniable fact that the Fort people ~~may~~ never obtained any license to take out their Kama in Procession either alone or jointly with that of the pettah. The Fort people have not been able to produce any documentary evidence to shew that they

they ever took their Rama in procession to the Pettah or even joined with the Rama procession of the Pettah. From the ~~evidence~~ amount of oral evidence adduced on behalf of the Fort people, it is ~~may~~ very clear that the Fort people were never installing their Rama permanently year after year. This being so, they would hardly have had the necessity to take their procession every year, when they were not installing their Rama image at all year after year. The oral evidence further leaves out the fact that for the last 10 or 12 years there was no installation of Rama at all in the fort and before that they were doing so occassionally and ~~that~~ whenever they installed the Rama image they took it out in procession. One witness says that he saw the Fort Rama 20 years ago and the Fort procession 26 years ago. and another says that he saw the Fort Rama 30 years or 40 years ago. The oral evidence adduced by the Fort people, in the Case, undoubtedly points to the fact that there is no established

mamool

mamool for the Fort people to install the Kama idol, in the first place year after year and taking it out, also, in procession as a religious observance but, though they were only going occassionally to suit their fancy whenever it was convenient for them, after a number of years being allowed to intervene between one Kama festival and the other. At all events, there is absolutely no evidence to shew that the Fort people ever took out their Kama in procession into the Pettah either singly or jointly with that of the Pettah People with in the last 12 years I, therefore, direct that, while affirming the order of the Amildar magistrate alluded to above, the Fort people should not be allowed to take their Kama procession into the Pettah. As regards the procession with in the Fort itself the mamool route should be fixed for the procession whenever a license is granted for the same There is however nothing to prevent

the

the member of the opposing Communities to come to an understanding and allow the procession to go through the pallah. But until such an understanding is come to the above order should be obeyed.

Compared by me

(Sd) B. G. Kumaraswami Naik
District magistrate

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" delivered: 4-3-09

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(Sd) Subramanya
Judicial Headmunshi
District magistrate's Court
Mangalore Dist.

39

ڈپٹی کمشنر صاحب کا فیصلہ قلعہ اور بستی والا قدیم
معمول وجب جلنا گر کے ۲۷ فروری سنہ ۱۹۰۹ع

(40)

GOVERNMENT OF MYSORE
1 RUPEE

Signed before me at Channapatna
this 8th day of May 1914.

COURT OF THE AMILDAR & 2nd CLASS MAGISTRATE
CHANNAPATNA

8/5/14.

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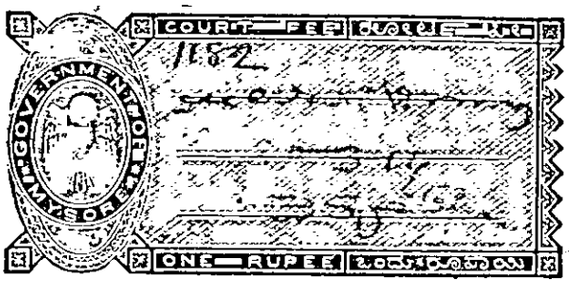

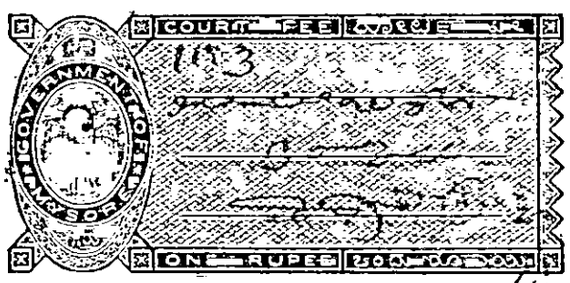

(42)

Before the Government of His Highness the Maharaja of Mysore

IN ~~THE~~ COURT OF ~~THE~~ DISTRICT JUDGE.

~~Civil~~ & ~~Military~~ ~~Station~~ ~~Bangalore.~~

CASE NO. ..... OF 1900.

Plaintiff. Appellant		Defendant. Respondent
Peer Sab & others Mahomedan fendel of Channapatna	VERSUS	Sanjivagowda & three others

We Peer Sab & others Mahomedans the above named Appellant hereditary of Channapatna by these presents retain H. LUBECK, ESQUIRE, B. A., LL. B., Advocate & Mr. J. Manicavasagam Pillai Bar-at-Law for me and in my name to conduct the aforesaid case.

I further empower my said Advocate to execute any decree that may be passed in my favour, and to recover and receive all and every sum and sums of money document or documents or other property, and to grant sufficient receipts for the same.

And I undertake to ratify and confirm all legal acts done or caused to be done by my said Advocate in the case by virtue of these presents. In witness whereof I have hereunto set my hand this 25th day of May 1900.

Accepted.
H. Lubeck
J. Manicavasagam
Advocate.

Signed by the Party who is known to me

J. Manicavasagam

Before the Government of His Highnes

The Mahdraja of Mysore

Peer Sab and other Mahomedan residents of Channapatna, Bangalore District. } Appellants

vs

Sanjiva Gowda and three others, residents of Channapatna Fort. } Respondents

In the matter of granting a license to the Hindus, Kurubars, to take Kama in procession.

Appeal filed on 25-5-1914

hearing

Messrs. H.Lubeck
Bar-at-law
&
T.Shamiengar B.A.,B.L.

Advocates for the Appellants

File no. 202-13
Sl no. 3 (4)

No. J 3608 Encl 2

29/5

GOVT. OF H. H. THE MAHARAJA OF MYSORE.

GEN. & REV. SECRETARIAT.

OFFICIAL MEMORANDUM.

The accompanying Petitions Registered Nos. J 3792 & J 3817 dated the 23rd & 25th May, received at the General and Revenue Secretariat from the Heads and the Mahazarnamas of Chennapatna regarding the consent of the Kama procession of the Fort

are
~~I~~ forwarded, together with ~~its~~ enclosures,
were

to the Dt. Magistrate of the Bangalore Dt.

for a detailed
Report with records regarding the allegations
made in them.

By Order,

For Secretary to Government.

BANGALORE,
2/6/1916.

From

To

Dated

Despatched

Received

General No. _____

No.

Enclosure No.

84)

J 3999

S.934
TH 2 records 2 plans
10/6

From

Office of The Deputy Commissioner
Bangalore District.
Dated Bangalore 6th June 1914

File no 204-13
K-20.4

Police
10/6

To Chandy Esquire BA.
Deputy Commissioner
Bangalore District

To W Narasinga Rao Esquire BA.BL
Offg Secretary to The Government
of Mysore.
General and Revenue Departments

Sir,

As called for in your office memorandum No J 3608/Pol 204-13-3 of the 2nd June 1914, I have the honor to submit herewith two records regarding the conduct of Rama procession at Channapatna and to state that the facts of the case have been set forth in the order passed by the District Magistrate on the 27th February 1909. 7/7

2. While arguing the case before me on the 29th April 1914, Mr H. R. Seshagiyengar, Advocate for the Sri Vaishnavites of Channapatna consented to take the Rama procession on the roads, reserving the right to prove later if his clients can, that they are entitled to go in all the streets of

of the suit. They have not till now produced any authority or guidance on the point. Hence they appear at this stage to be stopped from appearing on this point.

3. The enclosures received with your memo under reply are herewith returned.

I have the honor to be.

Sir,

Your most obedient Servant

K. Chavidy

District Magistrate

Rampur District

From The Deputy Commissioner
Bangalore District

To The Secretary to the Govt.
Genl & Rev. Depts.
Bangalore

Dated

Despatched

Received 9.6.14.

General No. S. 934
No.

Enclosure No. 2 records & 2 petns.

Subject—two records re the conduct of Kama procession at Chempaka with certain explanation.

Police (46)

G. R. S. 26] 5/4

File No. 2041/3

Serial No. 5

Diary No. of letter replied to

No.(1) J 3393.
(2) J 3394.

General and Revenue Secretariat

( )

, *the* 191 .

To

(1) Mr. D. Raghavendra Rao Esqr
Advocate
(2) T. Shanmugam Esqr, Advocate.

Date of issue 6/4/1915.

Signed by Mr J. Srinivasa Iyer

Sir,

I am directed to inform you that the 1st Member of Council will hear the case relating to the dispute between the Hindus & Mahomedans of Chamarajpet in the Public Office Buildings, Cubbon Park, Bangalore, at 8 a.m. on the 15th Apr 1915

I have &c.

Secretary.
For

SUBJECT.

167
24.3.15

(47)

Shankarpur, Bangalore City.

12th April 1915.

From

T.Shamiengar B.A.,B.L.

Advocate.

To

D.M.Narasinga Rao Esq B.A.,B.L.

Offg. Secretary to the Government of H.H. the

Maharaja of Mysore.

General and Revenue Departments.

Bangalore.

Sir,

I beg to acknowledge receipt of your letter No.J 3394 Pol 204 - 13 - 5 dated Bangalore the 6th April 1915, relating to the procession dispute between the Hindus and Mahomedans of Channapatna, which was delivered to me by post a couple of days back.

I beg to say that the papers connected with the case not being forthcoming, I am writing to my clients for instructions, and as it would be scarcely possible for me to be ready on the 15th April - the day posted for hearing, I respectfully pray for about six weeks adjournment to enable me to be prepared to argue the case.

I have the honor to be,

Sir,

Your most obedient servant,

T. Shamiengar

Advocate.

5

(48)

G.R.S. 28]

Re Channapatna procession dispute.

Police
File No. 204-13
Serial No. 7

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.
( )

, *the* 191 .

Date of issue 22/6/1915.

Signed by M.Y.G. Sreenivasaiya

READ—

1. Petition dated the 23rd May 1914 from Sanjiva Gowda and other Residents of the Fort at Channapatna regarding the grant of a license to Rama Rao to conduct their procession.

2. Petition dated the 25th May 1914 from Peer Sab and other Mahomedans of Channapatna in the same matter.

over.

ORDER THEREON. No.

SUBJECT.

GPB—50,000—1-12-12

Order 3. Correspondence ending with

letter no. 5934 dated the 6th June 1914 | 01 no 4

from the Dt. Magte., Bangalore Dt., in

the matter.

Order thereon. No. J 4431 | Encls Records.

Dated 2d 1907 the ~~question~~

case ~~upto~~ ~~there~~ Govt. in their Proc. no.

J809-Police 1-6 dated the 9th July 1907 | 71 V

decided that as regards the procession

of the ~~for~~ the ~~procession~~ manual which ~~wishes~~

~~previous to the procession of that year~~

147 be followed. On a refusal by the

Amildar Magte to grant a licence

to the Hindus in 1908 the appeals | 71 Z

to the Dt. Magte. who (in 7&8 09 decided that

~~that~~ the Govt people should not be

allowed to take their procession to

the Pallah and that as regards the

procession in the Fort itself, the

manual Rule should be final

whenever a licence is granted. In

1914 the Hindus of the Fort. who, after

obtaining a licence from the Amildar

Magte., were ~~doing~~ conducting their procession

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

were obstructed by the Mahom-
-medans and on reference to
the Amildar the procession
was stopped. Thereupon the Hindus
applied to the Dt. Magte. for
a license and the Mahomedans
put in a counter petition objec-
-ting to the grant of the license.
710 The Dt. Magte ordered that
the Amildar might
grant a license to the Hindus
subject to the condition that
their procession should not
pass the mosque with music
or noise at the identical
times when the Mahomedans
are engaged in worship and
that there should be no such
disputes as could reasonably
wound the religious susceptib-
-ilities of the Mahomedans.
Both the Hindus and the
Mahomedans are dissatisfied
with this order. The Hindus

GPS—12,000—15-2-13.

57) for
pray that they may be granted
permission to conduct their
procession without any stoppage
of music in the streets of the
Fort. The Mahomedans on the other hand
that no license should be given
to the Hindus — as they state,
the burden of proving the manual —
before the manual Rule of the
procession is decided ... —

. The order of the Dt.
Magte passed in 1904 laid
down that the Kurnoba appellants
must take the procession in
the Fort in the manual
Route to be determined. The
contention of the Hindu appellants
is that they used by manual
to go through all the main
streets of the Fort. This question
has not been decided properly
and the ~~odoomorappellants~~
~~appeals has left it open~~. present
order of the Dt. Magte has left

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

it open and to make a make-shift arrangement to be in force for the disputed occasion. Govt. consider it desirable that the parties concerned should be allowed to adduce evidence on the point (in accordance with the ordinary rules relating to the burden of proof &c), and that a decision be arrived at so as to be of guide to the executive authorities on which side they should properly throw their weight when a dispute actually arises. The Dt. Supdt. Bangalore Dt. is requested to take action in this direction.

As for the Mahomedans of the Fort the directions given by the Dt. Supdt. give them all the protection that they are entitled to as to the right of passing in the road adjoining the mosque to reach and they cannot be allowed to open any further opening.

To The Dt. Supdt., Bangalore Dt., with the usual

for Secretary

19/6/15

GPB—12,000—15-2-13.